

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND
LEGISLATIVE SESSION, 2020
LEGISLATIVE BILL 2020-05

Introduced: July 21, 2020

BY: The County Council President.

AN ACT to amend Chapter 29 of the Wicomico County Code, Article II, titled “Grant Funds”, Sections 29-18 through 29-21, and to add Sections 29-22, 29-23 and 29-24 to provide for greater transparency and full accountability of the County’s allocation of grants funds.

WHEREAS, it has been determined that modifications to Chapter 29, Article II, title “Grant Funds” are needed to further strengthen transparency and ensure the continuing integrity of the County’s allocation of grant funds; and

WHEREAS, in order to ensure transparency and to simplify the acceptance of grants funds, the County Council proposes amendments to Chapter 29, Article II, “Grant Funds” as set forth below.

SECTION I: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that Chapter 29, Article II, titled “Grant Funds,” be and is hereby amended to read as follows:

Chapter 29
Finance

Article II
Grant Funds

§ 29-18. Definitions.

For the purposes of this article, the following words or terms shall have the meaning:

APPROPRIATION AND APPROPRIATED

~~In this article~~ Shall mean the authority to accept and expend grant revenue.

HAVE THE SAME MEANING AS USED EXPRESSLY OR IMPLICITLY IN THE COUNTY CHARTER IN REGARD TO THE COUNTY’S OPERATING BUDGET AND CAPITAL BUDGET (“EXPENSE BUDGET”).

~~AUTHORIZED~~ ANTICIPATED GRANT

A grant ~~listed~~ IDENTIFIED BY THE GENERAL NATURE AND SOURCE OF THE GRANT AND THE DEPARTMENT OR AGENCY THAT WILL ADMINISTER THE GRANT in the Annual Budget and Appropriation Bill, as initially enacted by the Council.

~~AUTHORIZED~~ ANTICIPATED GRANT REVENUE

~~Grant~~ Revenue that is ~~anticipated from an authorized grant~~ SPECIFIED AS REVENUE FROM AN ANTICIPATED GRANT IN THE ANNUAL BUDGET AND APPROPRIATION BILL AND FOR WHICH THE EXPENDITURE THEREOF IS ITEMIZED THEREIN BY AMOUNTS(S) AND PURPOSES(S) OF THE GRANT,

SUBJECT TO SUCH CONDITIONS AND RESTRICTIONS AS COUNCIL MAY IMPOSE UPON THE EXPENDITURE.

UNANTICIPATED GRANT REVENUE

~~Grant Revenue that was not anticipated in the Annual Budget and Appropriation Bill, and includes revenue from grants not included in the Annual Budget and Appropriation Bill, and revenue from grants included in the Annual Budget and Appropriation Bill but in excess of the amounts anticipated from those grants.~~

FROM A GRANT, OTHER THAN AN ANTICIPATED GRANT, THAT THE COUNCIL HAS APPROVED BY AMENDMENT OF THE COUNTY'S BUDGETS TO IDENTIFY THE GENERAL NATURE AND SOURCE OF THE GRANT AND THE DEPARTMENT OR AGENCY THAT WILL ADMINISTER THE GRANT, SPECIFY THE REVENUE FROM THE GRANT, AND ITEMIZE THE EXPENDITURE THEREOF BY AMOUNT(S) AND PURPOSE(S) OF THE GRANT, SUBJECT TO SUCH CONDITIONS AND RESTRICTIONS AS COUNCIL MAY IMPOSE UPON THE EXPENDITURE.

§ 29-19. Appropriation of ~~authorized~~ grant revenue; PROCEDURES.

~~Authorized grant revenue is deemed appropriated for the purposes specified in the authorized grant, subject to the following conditions: there is a grant award letter or other writing that, to the satisfaction of the Director of Finance, confirms that the grant funds are available for expenditure by the County; and there are sufficient funds available for payment of any required County matching funds.~~

- A. TOGETHER WITH A REQUEST OR SUBMISSION FOR THE COUNCIL'S APPROPRIATION OF GRANT REVENUE, EITHER AS ANTICIPATED IN THE PROPOSED COUNTY BUDGETS OR AS UNANTICIPATED GRANT REVENUE, THE COUNTY EXECUTIVE SHALL PROVIDE TO COUNCIL THE DOCUMENTATION STATING THE TERMS AND CONDITIONS OF THE GRANT AND ITS AWARD OR PROPOSAL BY THE SOURCE OF THE GRANT. IF SUCH DOCUMENTATION REFERS TO REGULATORY OR CONTROLLING MATTERS REGARDING THE GRANT THAT ARE NOT PART OF THE MARYLAND CODE, THE UNITED STATES CODE, THE CODE OF MARYLAND REGULATIONS ("COMAR") OR THE CODE OF FEDERAL REGULATIONS, A COPY OF THE PERTINENT PROVISIONS SHALL BE FURNISHED WITH THE REQUEST OR SUBMISSION. IF THEREAFTER THERE IS ANY CHANGE IN THOSE PROVISIONS OR IN THE TERMS OR CONDITIONS OF THE GRANT, THE COUNTY EXECUTIVE SHALL PROMPTLY FURNISH TO COUNCIL THE PERTINENT DOCUMENTATION OR DETAILS OF ORAL DISCUSSION THEREOF. FOR UNANTICIPATED GRANT REVENUE, THE COUNTY EXECUTIVE SHALL ALSO PROVIDE HIS WRITTEN RECOMMENDATION TO APPROVE THE GRANT AND A PROPOSED DOCUMENT TO AMEND THE

BUDGET(S) TO APPROVE IT AND APPROPRIATE THE GRANT REVENUE IN ACCORDANCE WITH THIS ARTICLE.

- B. THE COUNTY EXECUTIVE SHALL FURNISH TO COUNCIL PROMPTLY UPON REQUEST SUCH OTHER DOCUMENTATION REGARDING A GRANT AS COUNCIL MAY REQUEST, INCLUDING CORRESPONDENCE BETWEEN THE COUNTY AND THE SOURCE OF THE GRANT OR ITS REPRESENTATIVE OR AGENT.
- C. UPON APPROVAL BY COUNCIL IN ACCORDANCE WITH THIS ARTICLE, ANTICIPATED AND UNANTICIPATED GRANT REVENUE SHALL BE DEEMED TO BE APPROPRIATED FOR THE SPECIFIED PURPOSES OF THE GRANT, PROVIDED, HOWEVER THAT IN ITS APPROVAL OF A GRANT, EITHER IN THE INITIAL ENACTMENT OR SUBSEQUENT AMENDMENT OF THE ANNUAL APPROPRIATION AND BUDGET BILL, THE COUNCIL MAY IMPOSE RESTRICTIONS AND CONDITIONS UPON THE EXPENDITURE OF GRANT REVENUE THAT DO NOT CONFLICT WITH THE TERMS AND CONDITIONS OF THE GRANT AND DESIGNATE PARTICULAR PURPOSES OF EXPENDITURE THEREOF IN ANY MANNER AND TO THE EXTENT NOT INCONSISTENT WITH OR PROHIBITED BY THE TERMS AND CONDITIONS OF THE GRANT THAT ARE EXPRESSLY STATED IN THE DOCUMENTATION REGARDING THE GRANT THAT HAS BEEN FURNISHED BY THE COUNTY EXECUTIVE TO THE COUNCIL PRIOR TO ITS APPROVAL.
- D. IF THE COUNTY RECEIVES GRANT REVENUE IN EXCESS OF THE AMOUNT SPECIFIED IN THE APPROVAL BY COUNCIL, SUCH EXCESS SHALL BE DEEMED TO BE APPROPRIATED FOR EXPENDITURE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE GRANT, SUBJECT TO SUCH CONDITIONS AND RESTRICTIONS AS COUNCIL MAY IMPOSE UPON THE EXPENDITURE THAT DO NOT CONFLICT WITH THE TERMS AND CONDITIONS OF THE GRANT, AND THE COUNTY'S BUDGETS SHALL BE REVISED TO STATE THE TOTAL APPROPRIATION AMOUNT AND REVENUE UNDER THE GRANT AND EXPENDITURE THEREOF.
- E. COUNCIL MAY WAIVE ANY PROVISIONS IN THIS SECTION.

§ 29-20. ~~Appropriation of unanticipated grant revenue.~~ GRANT APPLICATIONS AND PROPOSALS.

- A. ~~Revenue from a grant included in the Annual Budget and Appropriation Bill but in excess of the amount anticipated for the grant and any County matching funds, are deemed appropriated for the purpose specified in the grant, subject to the following conditions:~~

~~(1) — There is a grant award letter or other writing that, to the satisfaction of the Director of Finance, confirms that the grant funds are available for expenditure by the County; and~~

~~(2) — There are sufficient funds available for payment of any required County matching funds.~~

~~B. — Revenue from a grant not included in the annual budget and appropriation bill, and any County matching funds required by the grant, are deemed appropriated for the purpose specified in the grant, subject to the following conditions:~~

~~(1) — The application for or award of the grant has been approved by a resolution of the County Council that includes the estimated amount of the grant and any County matching funds, and an identification of the County department that will administer the expenditure of the grant and any matching funds;~~

~~(2) — There is a grant award letter or other writing that, to the satisfaction of the Director of Finance, confirms that the grant funds are available for expenditure by the County; and~~

~~(3) — There are sufficient funds available for payment of any required County matching funds.~~

A. THE EXECUTIVE BRANCH SHALL PROMPTLY FURNISH TO THE COUNCIL A COPY OF EACH APPLICATION TO, OR PROPOSAL BY A SOURCE OF GRANT FUNDING THAT IS MADE OR RECEIVED BY THE EXECUTIVE BRANCH. THIS DUTY SHALL BE PERFORMED BY THE COUNTY EXECUTIVE OR BY HEAD OF THE DEPARTMENT OR AGENCY THAT HAS MADE THE APPLICATION OR RECEIVED THE PROPOSAL. THE PROCEDURES STATED IN SECTION 29-19 SHALL APPLY TO THE GRANT FOLLOWING THE INITIAL SUBMISSION OF THE APPLICATION OR PROPOSAL.

B. AT THE REQUEST OF THE COUNTY EXECUTIVE, THE COUNCIL MAY APPROVE A GRANT APPLICATION OR WRITTEN RESPONSE TO A GRANT PROPOSAL THAT IS SUBMITTED WITH THE REQUEST, WHICH SHALL PROVIDE THE DETAILS, DISCUSSED BELOW, EITHER BY REFERENCE TO SPECIFIC PROVISIONS IN THE APPLICATION OR PROPOSAL OR IN THE REQUEST ITSELF. SUCH APPROVAL, UNLESS OTHERWISE STATED THEREIN, SHALL CONSTITUTE APPROVAL BY THE COUNCIL OF THE NATURE AND SOURCE OF THE GRANT, APPROPRIATION OF THE GRANT REVENUE FOR EXPENDITURE AS ITEMIZED BY AMOUNT(S) AND PURPOSE(S) OF THE GRANT, AND THE DEPARTMENT OR AGENCY THAT WILL ADMINISTER THE GRANT, THAT MUST BE PROVIDED IN THE REQUEST BY THE COUNTY EXECUTIVE BUT SUBJECT TO SUCH CONDITIONS AND RESTRICTIONS AND DESIGNATED PURPOSES OF

EXPENDITURE OF THE GRANT REVENUE AS THE COUNCIL MAY IMPOSE IN ITS APPROVAL THAT ARE NOT INCONSISTENT WITH OR PROHIBITED BY THE TERMS AND CONDITIONS OF THE GRANT THAT ARE EXPRESSLY STATED IN THE APPLICATION OR PROPOSAL.

§ 29-21. APPROPRIATION OF COUNTY FUNDS REQUIRED TO OBTAIN OR USE GRANT FUNDING.

IF THE EXPENDITURE OF MATCHING OR OTHER FUNDS BY THE COUNTY IS REQUIRED BY THE TERMS AND CONDITIONS OF A GRANT IN ORDER TO OBTAIN FUNDING THEREUNDER, SUCH FUNDS SHALL BE DEEMED TO BE APPROPRIATED BY AMENDMENT OF THE COUNTY BUDGET(S) IF SUCH EXPENDITURE IS EXPRESSLY STATED AND IDENTIFIED BY AMOUNT(S) AND PURPOSE(S) IN THE DOCUMENTATION REGARDING THE GRANT THAT HAS BEEN FURNISHED BY THE COUNTY EXECUTIVE TO THE COUNCIL PRIOR TO ITS APPROVAL OF THE ANTICIPATED OR UNANTICIPATED GRANT REVENUE, PROVIDED, HOWEVER, THAT SUCH APPROPRIATION OF COUNTY FUNDS IS NOT SUBJECT TO INCREASE OR OTHER CHANGE EXCEPT BY SUBSEQUENT APPROVAL BY THE COUNCIL.

§ 29-22. AUTHORIZED DISCUSSION OF GRANTS.

COUNCIL MEMBERS AND THE COUNCIL'S STAFF MAY DIRECTLY BUT INFORMALLY DISCUSS ANY ASPECT OF A GRANT WITH ANY PERSONNEL IN THE EXECUTIVE BRANCH EITHER BEFORE THE ANTICIPATED OR UNANTICIPATED GRANT REVENUE IS APPROVED OR THEREAFTER.

§ 29-213. Budget REVISION AND REPORT.

- A. Upon satisfaction of the conditions imposed on an appropriation by this article, the Director of Finance, without the necessity of further action by the County Council, shall reflect the receipt and expenditure of grant funds AND ANY MATCHING OR OTHER COUNTY FUNDS as received in the County financial system AND BUDGET(S) to showING the appropriation to AND EXPENDITURE BY the department that will administer the expenditure of the grant and any matching OR OTHER COUNTY funds, provided that
- B. The Director of Finance shall send a report to the County Executive and the Council Administrator that, for each grant, describes the grant, the amount of the appropriation, the department responsible for administration of the grant and, if applicable, the resolution that approved the application for the grant. The report shall be submitted by the end of each fiscal year and included in the notes to the financial statements of the annual audit.

§ 29-24. NON-WAIVER OF CHARTER REQUIREMENTS.

NOTHING CONTAINED IN THIS ARTICLE OR IN ANY ACTION BY THE COUNCIL PURSUANT TO THIS ARTICLE SHALL BE DEEMED TO WAIVE, ALTER OR EXTINGUISH REQUIREMENTS OF THE WICOMICO COUNTY CHARTER REGARDING THE COUNTY'S BUDGETS OR THE CONTROL AND EXPENDITURE OF APPROPRIATED FUNDS, WHICH SHALL APPLY TO ANY GRANT REVENUE AND COUNTY MATCHING OR OTHER FUNDS HERETOFORE OR HEREAFTER APPROVED BY COUNCIL.

SECTION II: BE IT FURTHER ENACTED THAT this Bill shall be known as Bill No. 2020-05 of Wicomico County, Maryland, and will become effective immediately after its final passage. If a timely Petition for Referendum is filed, the Bill shall remain in force, but shall stand repealed thirty (30) days after rejection by a majority of the qualified voters of the County voting in a referendum.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this _____ day of _____, 2020.

WICOMICO COUNTY, MARYLAND

BY: Larry W. Dodd, President

BY: Laura Hurley, Secretary

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.

Laura Hurley, Secretary

Explanation:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike out indicates material deleted from law.~~

~~CAPITAL STRIKE OUT~~ indicates matter stricken from Bill by Amendment.

Underlining indicates Amendments to Bill.